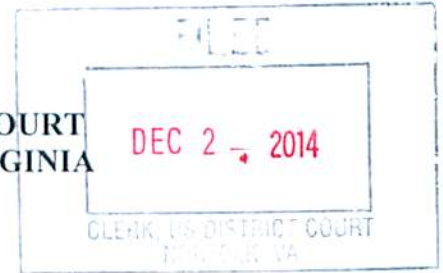


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division



SHERYL MCCRAY,

Plaintiff,

v.

UNITED STATES OF AMERICA, ET AL.

Defendant.

Civil Action No. 4:14 cv 158  
(Formerly No. CL14001589-00 in the  
Circuit Court for the City  
of Hampton)

**NOTICE OF SUBSTITUTION**

Please take notice that, pursuant to 28 U.S.C. § 2679, the United States of America is hereby substituted for individual defendant, Jonah A. Jancewicz, with respect to plaintiff's tort claim herein. The grounds for this substitution are:

1. Plaintiff alleges that Sergeant First Class (SFC) Jonah A. Jancewicz defamed her and seeks monetary damages on account thereof, an action sounding in tort.

2. The exclusive remedy for persons with claims for damages resulting from the negligent or wrongful acts or omissions of federal employees taken within the scope of their employment lies in a suit against the United States of America under the Federal Tort Claims Act. 28 U.S.C. §§ 2671, 2679.

3. Upon certification by the Attorney General or his designee that an individual federal defendant was acting within the scope of his office or employment at the time of the incident out of which a state or common law tort claim arises, any civil action arising out of the incident shall be deemed an action against the United States, and the United States shall be substituted as sole defendant with respect to those claims. 28 U.S.C. § 2679(d). The Attorney

General has delegated certification authority to the United States Attorneys. 28 C.F.R. § 15.4.

4. Dana J. Boente, United States Attorney for the Eastern District of Virginia, has certified that at the time of the conduct alleged, individual defendant, SFC Jancewicz was acting within the scope of his office or employment as an employee of the United States of America. *See* Certification of Scope of Employment, Defendant's Exhibit 2 to Notice of Removal.

For the foregoing reasons, the United States of America has, by operation of law, been substituted as the defendant with respect to Plaintiff's claim in this action and SFC Jancewicz must be dismissed as a defendant in this action.

UNITED STATES OF AMERICA  
Federal Defendant

DANA J. BOENTE  
UNITED STATES ATTORNEY

By:



Joel E. Wilson  
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Virginia State Bar No. 71701  
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2014, I will file the foregoing with the Clerk of Court and I hereby certify that I will mail the document by U.S. mail, postage prepaid, to the following:

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A handwritten signature in blue ink, appearing to read "Joel E. Wilson", is written over a horizontal line.

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